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8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the First Amended Accusation  
11 Against:

Case No. 2012-367

12 **KATHERINE MARIE LOPEZ, AKA**  
13 **KATHERINE NOTARANGELO, AKA**  
**KATHERINE MARIE WILLIAMS**  
14 **14721 Woodland Drive**  
**Fontana, CA 92337**  
15 **Registered Nurse License No. 550225**

**FIRST AMENDED ACCUSATION**

16 Respondent.

17 Complainant alleges:  
18

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this First Amended Accusation  
21 solely in her official capacity as the Interim Executive Officer of the Board of Registered  
22 Nursing, Department of Consumer Affairs.

23 2. On or about December 1, 1998, the Board of Registered Nursing issued Registered  
24 Nurse License Number 550225 to Katherine Marie Lopez, aka Katherine Notarangelo, aka  
25 Katherine Marie Williams ("Respondent"). The Registered Nurse License was in full force and  
26 effect at all times relevant to the charges brought herein and will expire on February 28, 2014,  
27 unless renewed.  
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1 conviction following a plea of nolo contendere. Any action that a board is permitted to take  
2 following the establishment of a conviction may be taken when the time for appeal has elapsed, or  
3 the judgment of conviction has been affirmed on appeal, or when an order granting probation is  
4 made suspending the imposition of sentence, irrespective of a subsequent order under the  
5 provisions of Section 1203.4 of the Penal Code.”

6 7. Section 2750 of the Code provides, in pertinent part, that the Board may discipline  
7 any licensee, including a licensee holding a temporary or an inactive license, for any reason  
8 provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

9 8. Section 2761 of the Code provides, in pertinent part:

10 "The board may take disciplinary action against a certified or licensed nurse  
11 or deny an application for a certificate or license for any of the following:

12 (a) Unprofessional conduct, which includes, but is not limited to, the  
13 following:

14 (f) Conviction of a felony or of any offense substantially related to the  
15 qualifications, functions, and duties of a registered nurse, in which event the record  
16 of the conviction shall be conclusive evidence thereof...”

17 9. Section 2762 of the Code provides, in pertinent part:

18 “In addition to other acts constituting unprofessional conduct within the  
19 meaning of this chapter it is unprofessional conduct for a person licensed under  
20 this chapter to do any of the following:

21 (a) Obtain or possess in violation of law, or prescribe, or except as directed  
22 by a licensed physician and surgeon, dentist, or podiatrist administer to himself or  
23 herself, or furnish or administer to another, any controlled substance as defined in  
24 Division 10 (commencing with Section 11000) of the Health and Safety Code or  
25 any dangerous drug or dangerous device as defined in Section 4022.

26 (b) Use any controlled substance as defined in Division 10 (commencing  
27 with Section 11000) of the Health and Safety Code, or any dangerous drug or  
28 dangerous device as defined in Section 4022, or alcoholic beverages, to an extent  
or in a manner dangerous or injurious to himself or herself, any other person, or  
the public or to the extent that such use impairs his or her ability to conduct with  
safety to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving the prescription,  
consumption, or self-administration of any of the substances described in  
subdivisions (a) and (b) of this section, or the possession of, or falsification of a  
record pertaining to, the substances described in subdivision (a) of this section, in

which event the record of the conviction is conclusive evidence thereof.

(d) Be committed or confined by a court of competent jurisdiction for intemperate use of or addiction to the use of any of the substances described in subdivisions (a) and (b) of this section, in which event the court order of commitment or confinement is prima facie evidence of such commitment or confinement..."

10. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

### **REGULATORY PROVISIONS**

11. California Code of Regulations, title 16, section 1444, provides:

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare.

Such convictions or acts shall include but not be limited to the following:

- (a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.
- (b) Failure to comply with any mandatory reporting requirements.
- (c) Theft, dishonesty, fraud, or deceit.
- (d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code."

### **DRUG DEFINITIONS**

12. **Dilaudid** – a Schedule II controlled substance pursuant to Health and Safety Code section 11055, subdivision (b)(1)(J), and a dangerous drug pursuant to Business and Professions Code section 4022. Dilaudid is an opium derivative and is a trade name for the narcotic substance hydromorphone.

### **COST RECOVERY**

13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
2 enforcement of the case.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Conviction of a Substantially-Related Crime)**

5 14. Respondent is subject to disciplinary action under sections 490 and 2761, subdivision  
6 (f) of the Code, as defined in California Code of Regulations, title 16, section 1444, in that  
7 Respondent was convicted of a crime substantially related to the qualifications, functions or  
8 duties of a registered nurse as follows:

9 15. On or about June 30, 2011, in the criminal matter entitled *People v. Katherine Marie*  
10 *Lopez*, San Bernardino County Superior Court Case No. TSB1100402, Respondent pled no  
11 contest to a violation of California Vehicle Code section 23103, subdivision (a), reckless driving,  
12 alcohol related, a misdemeanor. Respondent was placed on informal probation for a period of  
13 three years. Among the terms and conditions of probation imposed, Respondent was ordered to  
14 serve two days in the San Bernardino County Jail, attend an alcohol offender program for four  
15 months, submit to blood alcohol testing, and pay fines. The basis for the conviction is that on or  
16 about October 15, 2010, Respondent drove while under the influence of alcohol and had a blood  
17 alcohol concentration of .18%.

18 **SECOND CAUSE FOR DISCIPLINE**

19 **(Unlawfully Administered a Controlled Substance)**

20 16. Respondent is subject to disciplinary action under Code section 2762, subdivision  
21 (a), in that Respondent unlawfully administered a controlled substance, to wit, Dilaudid. The  
22 conduct is more particularly described as follows:

23 17. On or about October 5, 2010, Respondent was assigned to Arrowhead Regional  
24 Medical Center through her nursing registry, All Star Staffing.

25 18. On or about that same date, while working in her capacity as a registered nurse,  
26 Respondent was assigned to oversee the care of patient F.A.<sup>1</sup>

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28 <sup>1</sup> Patient's initials are being used to maintain confidentiality.

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2 19. On or about that same date, the doctor's orders were to administer to Patient F.A.,  
3 0.2 mg Dilaudid for mild to moderate pain or 0.5 mg Dilaudid for moderate to severe pain.

4 20. On or about that same date, Respondent administered 2 mg Dilaudid to Patient  
5 F.A. on five separate occasions.

6 **THIRD CAUSE FOR DISCIPLINE**

7 **(Dangerous Use of Alcohol)**

8 21. Respondent is subject to disciplinary action under Code section 2762, subdivision  
9 (b), in that Respondent used alcohol in a manner dangerous to herself, any other person, or the  
10 public or to the extent that such use impairs her ability to conduct with safety to the public, the  
11 practice authorized by her license. The conduct is more particularly described as follows:

12 22. On or about August 19, 2010, while working in her capacity as a registered nurse  
13 at Rancho Springs Medical Center, Respondent was under the influence of alcohol.

14 23. On or about June 10, 2011, while working in her capacity as a registered Nurse at  
15 San Antonio Community Hospital, Respondent was under the influence of alcohol. Respondent  
16 was observed by staff to have slurred speech, an unsteady gait, and disorientation. At the hospital,  
17 Respondent submitted to an alcohol test that revealed that her blood alcohol level was .23%.

18 24. Complainant further refers to the conduct more particularly described in paragraph  
19 15, inclusive, above, and herein incorporates said conduct by reference.

20 **FOURTH CAUSE FOR DISCIPLINE**

21 **(Conviction of Crime Involving Consumption of Alcohol)**

22 25. Respondent is subject to disciplinary action under Code section 2762, subdivision  
23 (c), in that Respondent was convicted of a crime involving the consumption of alcohol. The  
24 conduct is more particularly described in paragraph 15, inclusive, above, and herein incorporated  
25 by reference.

26 **FIFTH CAUSE FOR DISCIPLINE**

27 **(Confined by Court for Intemperate Use of Alcohol)**

28 26. Respondent is subject to disciplinary action under Code section 2762, subdivision

1 (d), in that Respondent was confined by court for the intemperate use of alcohol The conduct is  
2 more particularly described in paragraph 15, inclusive, above, and herein incorporated by  
3 reference.

4 **SIXTH CAUSE FOR DISCIPLINE**

5 **(Unprofessional Conduct)**

6 27. Respondent is subject to disciplinary action under Code section 2761, subdivision  
7 (a), in that Respondent engaged in unprofessional conduct. The conduct is more particularly  
8 described in paragraphs 15, 17-20, and 22-23, inclusive, above, and herein incorporated by  
9 reference.

10 **PRAYER**

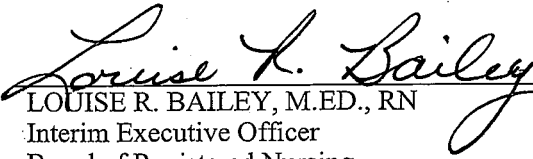
11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
12 and that following the hearing, the Board of Registered Nursing issue a decision:

13 1. Revoking or suspending Registered Nurse License Number 550225, issued to  
14 Katherine Marie Lopez, aka Katherine Notarangelo, aka Katherine Marie Williams;

15 2. Ordering Katherine Marie Lopez, aka Katherine Notarangelo, aka Katherine Marie  
16 Williams to pay the Board of Registered Nursing the reasonable costs of the investigation and  
17 enforcement of this case, pursuant to Business and Professions Code section 125.3;

18 3. Taking such other and further action as deemed necessary and proper.  
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21 DATED: March 29, 2012

22   
LOUISE R. BAILEY, M.ED., RN  
23 Interim Executive Officer  
24 Board of Registered Nursing  
25 Department of Consumer Affairs  
State of California  
Complainant

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